



Security Council

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LETTER DATED 14 SEPTEMBER 1994 FROM THE PERMANENT REPRESENTATIVE
OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions of my Government and the President of the Presidency of the Republic of Bosnia and Herzegovina, we would like to clarify any misunderstanding regarding our position with respect to the applicability of Security Council resolution 713 (1991) to the Government of the Republic of Bosnia and Herzegovina and the impact of this issue on the role of the Contact Group, the United Nations Protection Force (UNPROFOR), the North Atlantic Treaty Organization (NATO) and related factors.

The Contact Group (France, Germany, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America) have committed themselves to a course of action in the event of a Serbian-side rejection of the Contact Group's peace plan. This set of steps, most essentially, included: (a) intensifying the sanctions regime against Serbia/Montenegro and its proxies within the Republic of Bosnia and Herzegovina and Croatia; (b) enhancing the safe areas/exclusion zones and their protection; and (c) effectively lifting the de facto arms embargo against the Government of the Republic of Bosnia and Herzegovina. The Karadzic Serbs have rejected the Contact Group's peace plan, and we now wait for the Contact Group to proceed with the measures it has committed itself to.

Contrary to erroneous or misleading reports, the Government of the Republic of Bosnia and Herzegovina fully supports and expects the Contact Group to fulfil the measures it has committed itself to, including in particular the lifting of the de facto arms embargo. We have no doubts about the necessary course of action. Certainly, no other options have been offered to overcome the unacceptable status quo and make the Contact Group's peace plan a reality.

The request for the Security Council to clarify that the arms embargo imposed by resolution 713 (1991) does not apply to the Government of the Republic of Bosnia and Herzegovina is not a conditional request. Our position that UNPROFOR and NATO, as well as the Contact Group, have an ongoing positive role in the Republic of Bosnia and Herzegovina is based on the basic position that the measures the Contact Group has committed itself to are all part of a continuing process to realize the Contact Group's peace plan and that the

lifting of the arms embargo does not produce a point of divergence in objectives; to the contrary, there is a further confluence of efforts, as follows:

(a) UNPROFOR's mandate within the Republic of Bosnia and Herzegovina was never predicated upon the maintenance of the de facto arms embargo upon the legitimate Government and defender of the civilian population. Most accurately, UNPROFOR's mandate can be characterized as assisting the humanitarian needs of, and helping to protect, the besieged civilian population, a mandate most consistent with a legitimate Government fully enabled to carry out the same responsibilities. UNPROFOR's mandate has never been, at least not yet, a peace-keeping mission since there has not been a peace to keep;

(b) Many of the UNPROFOR troop-contributing nations have directed a strategy in the Republic of Bosnia and Herzegovina that so far has not only failed, but was also explicitly based on maintaining the arms embargo on both the victim and the aggressor, on the legitimate Government and the self-declared ethnic separatists. This policy has had disastrous consequences over the short term as well as those that still persist in the handicap it has inflicted upon the Government. These nations, including some members of the Contact Group, cannot now just simply claim no further responsibility since they in large part are accountable for the current situation. The legal and moral obligation of UNPROFOR and the international community to the safe areas is particularly unavoidable. (The safe areas were created specifically in lieu of either a more resolute response to the persistent Serbian aggression or the lifting of the de facto arms embargo.) Furthermore, the defenders of Srebrenica and Zepa were actually disarmed by UNPROFOR, which then destroyed the surrendered weapons;

(c) While some UNPROFOR troop-contributing nations may wish to withdraw in the event of a lifting of the de facto arms embargo, other troop contributors have indicated a willingness to stay and/or provide additional troops under such circumstances. Many UNPROFOR troop-contributing nations have advocated the position that UNPROFOR's mandate needed to be strengthened, in the direction of peacemaking, in order to confront the ongoing Serbian aggression, and systematic violations of humanitarian law and various United Nations resolutions, and to give peace a real opportunity to succeed. Many of these nations also evaluate the lifting of the arms embargo as consistent with this new international resolve towards the Serbian side. The views and commitments of these partners in UNPROFOR cannot be swept aside by those who wish to "abandon ship" at this critical time, a ship that they have so far piloted;

(d) Having accepted the Contact Group's peace plan and having all along sought to cooperate with the international political, humanitarian and military efforts in Bosnia and Herzegovina, the Government of the Republic of Bosnia and Herzegovina should be received as an ally of the Contact Group in the efforts to bring peace. The Karadzic Serbs' rejection of the peace plan and the triggering of certain measures as a consequence of that rejection cannot allow either the United Nations, UNPROFOR, NATO or the Contact Group to disassociate itself from either the political, humanitarian or military efforts to find peace. To the contrary, having brought us to this new critical stage, rather than withdrawing from the situation, the Contact Group members as well as the United Nations and NATO should intensify their efforts in coordination with the Government that has

accepted the peace plan. Having made difficult and painful concessions for peace and, in particular the Contact Group's peace plan, the Government should not be faced with a new ultimatum: i.e. to choose between either the lifting of the arms embargo and the means to defend all its population and country or, in the alternative, the continuing commitment of the Contact Group (through UNPROFOR or NATO) to protect the safe areas, even those that were disarmed.

Therefore, rather than disassociating itself from the situation in the Republic of Bosnia and Herzegovina, the Contact Group, as the spearhead of an international drive, and in concert with the Government of the Republic of Bosnia and Herzegovina, should further intensify efforts to compel the Serbian side genuinely to accept the Contact Group's peace plan. In this context, it is essential that the Contact Group execute its commitment to lifting the de facto arms embargo as well as other constructive steps including:

(a) Enhancing and intensifying the enforcement of the sanctions regime with respect to Serbia/Montenegro and its proxies in the Republic of Bosnia and Herzegovina and Croatia as called for in the action plan of the Contact Group. (Any favourable consideration that may be given to recent statements by the leadership of Serbia/Montenegro must be evaluated in their sincerity and commitment by the willingness of the Serbian/Montenegrin regime to allow for: (a) effective border monitoring; (b) recognition of the Republic of Bosnia and Herzegovina; and (c) cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia);

(b) Enhancing the enforcement of and expanding the exclusion zones as called for by the action plan of the Contact Group. Ideally, the exclusion zones should be consistent with the territory allocated to the Federation under the Contact Group's peace plan;

(c) Ensuring that the mission of UNPROFOR (or a newly constituted substitute force) reflects both a heightened concern for security and a necessary resolve for peacemaking. While the position of UNPROFOR, or the substitute force, may be militarily consolidated, it can still carry out some important commitments to maintain and facilitate peace, including the more successful effort in central Bosnia. As for the "eastern enclaves", because UNPROFOR and the international community not only designated these regions as safe areas but also disarmed the defenders, the international community is morally and legally obligated to continue with its responsibility and/or to coordinate with the Government of the Republic of Bosnia and Herzegovina the return of this responsibility to the Army of the Republic of Bosnia and Herzegovina. The international community must make the choice and then ensure the orderly transfer of this responsibility, if necessary. For our part, we remain willing and ready to cooperate either by minimizing the risk to the continued presence of UNPROFOR, or the substitute force, in the eastern enclaves through demilitarization or by assuming in an orderly fashion, an increasingly greater responsibility for the "safe areas" and the humanitarian efforts over all;

(d) NATO, through the strategy of "air-to-group support" and "exclusion zones" can be especially instrumental in deterring attacks upon UNPROFOR or the existing or newly defined safe areas.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative
